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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/496,549	02/02/2000	GEORGE KING	96P7613US03	5563

7590 10/08/2002

Siemens Corporation
Intellectual Property Department
186 Wood Avenue South
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EXAMINER

QURESHI, AFSAR M

ART UNIT

PAPER NUMBER

2662

DATE MAILED: 10/08/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

A

Office Action Summary

Application No.

09/496,549

Applicant(s)

KING, GEORGE

Examiner

Afsar M Qureshi

Art Unit

2662

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 September 2002.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 32-40 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 32-40 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Response to Amendment

1. Responsive to amendment received on September 03, 2002, the changes to claims 32-39 are entered and new claim 40 is added as requested.
2. The text of those sections of Title 35 US Code are not included in this section can be found in prior Office action.
3. Claims 32-40 are rejected under 35 U.S.C. 102(b) as being anticipated by McHale (US 5,668,857).

Claim 32. McHale discloses a method and apparatus for sending data directly to a router by **routing** a digital data call to destination (POTS etc., see figure 1) received at splitter 50 (**termination unit**) communicating with **switch** 56 in central office 14. Digital data call is received at splitter 50. The splitter divides each incoming twisted pair subscriber line into a twisted pair phone line and a twisted pair data line. Telephone service is provided to telephone switch 56 and data is sent directly to **router 60** via data line 54 **external to the switch** 56 (see col. 2, lines 31-37 and col. 4, lines 22-36).

Claims 33-36. As can be seen from figure 1, the data call is intercepted, at the splitter 50, **ahead of switch 56** (claim 33), **switching network 64** (claim 34), and a **remote line termination unit** such as router 60 (claim 36).

McHale discloses an input / output circuitry 118 (see figure 3) of communication server 58 connecting to the data line (see col. 8, lines 5-13) inherently working as a **switch interface module** (claim 35).

Claims 37 and 39. Assigning a logical identifier to the digital data call is inherent in that a call from subscriber 12 (McHale - figure 1) will have to be assigned an address for the call to reach its destination. Also, associating a call with the subscriber line is inherent in that without associating the call with a particular port or subscriber line the call cannot be routed. For example, if a call is forwarded from a network 64 (McHale - figure 1) and to be routed to subscriber 12, it is necessary that the call is to be associated to a port or subscriber line coupled to subscriber 12.

Claim 38. Means for routing a digital data call on the subscriber line connected to a **termination unit** (splitter 50) communicating with a switch 56 in central office 14, and means for receiving digital data call (splitter 50) to the router bypassing the switch is already discussed in the rejection of claim 32.

A **channel** 54 for routing the digital data call from the termination unit (splitter 50) to the destination is shown in figure 1, as can be seen the channel is external to switch 56.

Claim 40. McHale discloses Computer 22, interpreted as terminating unit, that has interface (PCMCIA or network interface card 31) card which is functionally same as basic rate interface card (see figure 1).

Response to Arguments

4. Applicant's arguments filed September 03, 2002 have been fully considered but they are not persuasive. Alternative terminologies (such as 'sending data', is replaced with 'routing a digital data call', or, 'subscriber line module' is replaced with 'termination unit', etc.) used by the applicant to amend claims 32-39 have not rendered the subject matter in condition for allowance. The examiner contends that the above claim rejection (paragraph 3) based on the cited art, used in previous Office action, still reads on claims 32-40.

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Afsar M Qureshi whose telephone number is (703) 308 8542. The examiner can normally be reached on Compressed (9 Hrs.).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hassan Kizou can be reached on (703) 305 4744. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308 6306 for regular communications and (703) 872 9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305 4700.


Afsar M Qureshi
Examiner
Art Unit 2662

October 2, 2002



ALPUS H. HSU
PRIMARY EXAMINER